

BELDOCK LEVINE & HOFFMAN LLP
99 PARK AVENUE, PH/26TH FLOOR
NEW YORK, N.Y. 10016

CYNTHIA ROLLINGS
JONATHAN MOORE
JONATHAN K. POLLACK
HENRY A. DLUGACZ
STEPHEN J. BLUMERT
MARC A. CANNAN
DAVID B. RANKIN
LUNA DROUBI
MYRON BELDOCK (1929-2016)
LAWRENCE S. LEVINE (1934-2004)
ELLIOT L. HOFFMAN (1929-2016)

TEL: (212) 490-0400
FAX: (212) 277-5880
WEBSITE: blhny.com

MEMO ENDORSED

COUNSEL
BRUCE E. TRAUNER
PETER S. MATORIN
KAREN L. DIPPOLD
JEFFREY A. GREENBERG
MARJORY D. FIELDS
EMILY JANE GOODMAN
(JUSTICE, NYS SUPREME COURT, RET.)
FRANK HANDELMAN

REF:
842300.00001
WRITER'S DIRECT DIAL:
212-277-5825
drankin@blhny.com

November 24, 2020

VIA ECF

Honorable Judge Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/24/2020

Re: Medina v. City of New York et al., 20-cv-00797 (VEC) (SLC)

Dear Judge Caproni:

This firm represents Plaintiff Zahirah Medina in the above-referenced action. We write jointly with Defendants City of New York and Defendant Officer Christopher Wintermute (herein after the "City Defendants"), pursuant to the Court's Individual Rule of Practice 2C and Magistrate Judge Sarah L. Cave's Standing Order Applicable to Settlement Conferences section 9, to request an adjournment of the upcoming initial pre-trial conference ("IPTC") scheduled for December 4, 2020, and of the settlement conference scheduled for December 9, 2020, pending the outcome of the City Defendants' fully briefed 12(c) motion, (Dkt. Nos. 30-32, 40-41), and Plaintiff's anticipated motion for default judgment against Defendant Gordon's Auto Sales, LLC pursuant to the Court's November 5, 2020 Order. (Dkt. No. 39).

This is the Parties' first request for an adjournment of the settlement conference and the Parties' fourth request for adjournment of the IPTC. The Court granted the City Defendants' first request for an enlargement of time to answer and to adjourn the IPTC, (Dkt. No. 16), and granted the City Defendants' second request for an enlargement of time to answer and to adjourn the IPTC. (Dkt. No. 18). Plaintiff consented to both of those requests. On July 22, 2020, the Court granted the Parties' joint request for an enlargement of time to answer and to adjourn the IPTC. (Dkt. No. 23). The Court cancelled the IPTC scheduled for September 4, 2020 following the filing of the Parties' joint letter in advance of the IPTC, (Dkt. No. 23), and scheduled the current IPTC date of

BELDOCK LEVINE & HOFFMAN LLP

Hon. Valerie E. Caproni
Nov. 24, 2020
Page 2

December 4, 2020 in its August 28, 2020 Civil Case Management Plan and Scheduling Order. (Dkt. No. 27). Magistrate Judge Sarah L. Cave scheduled a settlement conference for December 9, 2020 in her September 1, 2020 Scheduling Order. (Dkt. No. 29).

The reason for this request is that the Parties believe that settlement discussions will be more productive and conserve judicial resources by adjourning until the outcome of the outstanding and anticipated motions. The claims and parties in this case may be different following the Court's decisions on the City Defendants' Rule 12(c) motion and Plaintiff's anticipated motion for default judgment against Defendant Gordon's Auto Sales, LLC. Therefore, the Parties request that the Court adjourn the IPTC and settlement conference to a date to be determined following the Court's decisions on the pending and anticipated motions.

We thank the Court for its attention to this matter.

Respectfully submitted,



David B. Rankin
Marc Arena

cc: All counsel (by ECF)

Application GRANTED. The conferences are adjourned *sine die* pending resolution of Defendants' 12(c) motion and Plaintiff's motion for default judgment.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

11/24/2020